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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1653 OF 2006

Alpesh Navinchandra Shah & Anr. ... Petitioners

Vs.

Union of India & Ors. ... Respondents

Mr. Sujay N. Kantawala with Mr. Yogesh Rohira i/b Khaitan & Co. for the petitioners.

Mr. R.F. Lambey, Spl. Public Prosecutor for respondents 1 and 2.

Mr. D.S. Mhaispurkar, A.P.P. for the State.

CORAM : SMT. RANJANA DESAI & D. B. BHOSALE, JJ.

DATED : 4TH MAY, 2007.

P.C.:-

1. In this petition, the petitioners have prayed that notice dated 29/9/2005 issued under the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 (for short, "the SAFEMA") to the petitioners and their relatives be quashed and set aside.

2. Mr. Kantawala, the learned counsel for the petitioners states that the Supreme Court has quashed and set aside detention order dated 12/1/2005

issued against the petitioners at pre-execution stage. Copy of the order of the Supreme Court dated 26/2/2007 in Writ Petition (Criminal) No.114 of 2006 is produced in the court, which is taken on record and marked "X". Mr. Kantawala states that in view of the order of the Supreme Court, the present writ petition may be made absolute in terms of prayer clause (a) of the petition.

3. Mr. Lambey, the Special Public Prosecutor confirms the statement made by Mr. Kantawala. He states that the SAFEMA Authorities have closed the concerned file and, therefore, he has no objection if the petition is made absolute in terms of prayer clause (a) of the petition.

4. In view of the above, the petition is made absolute in terms of prayer clause (a) of the petition. Notice dated 29/9/2005 issued under the SAFEMA to the petitioners and their relatives is quashed and set aside. Petition is finally disposed of.

[SMT. RANJANA DESAI, J.]

[D. B. BHOSALE, J.]